

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENTUCKY UTILITIES COMPANY)	
FAILURE TO COMPLY WITH)	CASE NO. 9688
SAFETY CLEARANCE STANDARDS)	

O R D E R

On June 3, 1986, Mike Simmons, a self-employed contractor, suffered burns due to contact with a 7200 volt single phase distribution line belonging to Kentucky Utilities Company ("KU"). Mr. Simmons was working on the roof of an apartment building at 2750 Gribbon Drive in Lexington, Kentucky. He was attempting to move an electrical cord when the cord contacted the 7200 volt line. Mr. Simmons suffered burns to his left hand. The line was subsequently relocated on June 4, 1986, by KU personnel.

A field investigation was conducted by Jeffery Gilpin of the Commission staff on June 6, 1986. It was determined during that investigation that prior to June 4, 1986, the safety clearance between the apartment building and the 7200 volt line violated the Commission's Regulation 807 KAR 5:041, Section 3(1), specifically the acceptable clearance standards as identified in the 1981 National Electric Safety Code ("NESC") Table 234-1. The line was two-feet, six-inches horizontally from the structure, while the NESC requires a minimum of five-feet horizontal clearance. The relocated line was measured to be approximately 11 feet horizontally from the building's eaves. It was further

determined during the investigation that KU was made aware of this situation about three weeks prior to the accident, but did not correct the violation until after the incident occurred.

A Show Cause Order was issued on September 11, 1986, and a public hearing subsequently held on October 16, 1986. KU testified that on March 17, 1986, it became aware that a clearance problem might occur at this location necessitating the relocation of a line.¹ KU further testified that in late May, 1986, the builder called the utility and inquired as to the scheduling of the line relocation.²

It was determined during the hearing that KU's "normal" procedure is for the same crew to do both relocation and service installation at the same time.³ Since a service installation was planned for the building, KU did not "follow-up" on the relocation work, and the accident subsequently occurred. KU further testified relative to any changes in company procedures which had been considered or implemented in an attempt to reduce the possibility of similar incidents in the future.⁴ In particular KU is considering the development and use of a "Special Scheduling Request" form which would be used on jobs where an existing safety problem is identified or where a future safety problem would be created unless the job is performed.

¹ Transcript of Evidence, Page 11.

² Ibid., page 13.

³ Ibid., page 13.

⁴ Ibid., pages 15-16.

DISCUSSION

In its testimony, KU argued that it should not be penalized.⁵ However, the facts were established at the hearing that KU was made aware of a potential future clearance problem as early as March 17, 1986, and further that KU was contacted in late May, 1986, and asked when the line was to be relocated. By delaying corrective action, KU was in violation of the Commission's Regulation 807 KAR 5:041, Section 3(1), which states that utilities shall comply with the 1981 NESC, including Table 234-1, which specifies acceptable clearance standards. Therefore KU should be penalized in accordance with the provisions of KRS 278.990, Section 1. This statute provides for a fine of not more than \$1,000 for each act, omission, or failure of a utility to obey any lawful requirement or Order of the Public Service Commission. Because of the dangerous situation created in this instance, a fine of \$1,000 is appropriate.

An additional important issue in this case is the appropriate corrective action to be taken by KU to insure minimization of this type of incident in the future. For those jobs where an existing safety problem is identified or where a future safety problem would be created unless the job is performed, it is obvious that a need exists to specifically identify those jobs and expedite corrective action as appropriate. KU's proposed "Special

⁵ Ibid., pages 42-43.

Scheduling Request" form should be an appropriate vehicle to identify and prioritize such situations. Therefore KU should develop and utilize the "Special Scheduling Request" form.

FINDINGS AND ORDERS

The Commission, having fully considered the matter, including all evidence of record, is of the opinion and finds that:

1) KU should be penalized pursuant to KRS 278.990, Section 1, for its failure to comply with the Commission's Regulation 807 KAR 5:041, Section 3(1), and should be required to pay a fine of \$1,000 to the Treasurer, Commonwealth of Kentucky, for this failure; and

2) KU should be required to implement and utilize a "Special Scheduling Request" form to identify and prioritize the correction of existing and potentially dangerous situations, and further to advise the Commission of its implementation and use of this form.

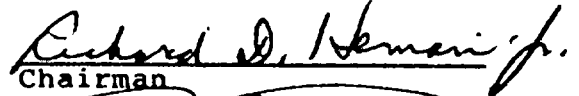
IT IS THEREFORE ORDERED that:

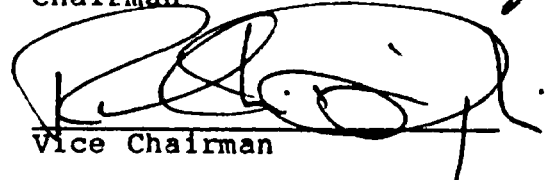
1) Within 20 days of the date of this Order, KU shall forfeit the sum of \$1,000, payable to the Treasurer, Commonwealth of Kentucky.

2) Within 45 days of the date of this Order, KU shall develop a "Special Scheduling Request" form and associated program for implementation of its use, and further shall provide the Commission with information concerning the form and associated program for implementation.

Done at Frankfort, Kentucky, this 2nd day of February, 1987.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director